

Worksheet Determination of NEPA Adequacy (DNA)

**U.S. Department of the Interior
Bureau of Land Management**

Office: AZA010, AZA020, AZA030

Tracking Number: N/A

Casefile/Project number:

Proposed Action Title/Type: High Point Outfitters, Mogollon Rim Outfitters, and Shadow Valley Outfitters Special Recreation Permits.

Location/Legal description: Arizona Strip District.

Applicants: High Point Outfitters, Mogollon Rim Outfitters, and Shadow Valley Outfitters

A. Description of the Proposed Action and any applicable mitigation measures:

The proposed action is to authorize Special Recreation Permits (SRPs) for High Point Outfitters, Mogollon Rim Outfitters, and Shadow Valley Outfitters to conduct commercial hunting guide activities on Bureau of Land Management (BLM) administered lands on the Arizona Strip District, within Arizona Game and Fish game management units 13B, 13A, and 12B.

Each SRP would be issued for a period of up to ten years. The BLM requires that an annual letter of authorization be issued for each subsequent year under the permit to ensure that permit conditions are fulfilled on an ongoing basis. The letter of authorization would be signed by the appropriate authorized officers (i.e., Arizona Strip Field Office and Grand Canyon-Parashant National Monument Managers, or their acting officer), provided the following criteria are met: no changes are made to the permittee's operations plan; all permit stipulations are followed (see attached stipulations); fee payments and post-use reports are submitted in a timely manner; and appropriate insurance coverage is documented and maintained. A permit holder who does not fulfill a permit condition would not receive a letter of authorization and, therefore, permitted activities would be suspended or terminated.

The proposed activities would occur throughout the Arizona Game and Fish Department's game management units 13A, 13B and 12B on public lands within the Arizona Strip Field Office, Grand Canyon-Parashant National Monument, and Vermilion Cliffs National Monument. The applicants would guide for deer, mountain lion, bighorn sheep, upland birds, and pronghorn. Applicants anticipate conducting anywhere from one to four trips per year, with average group sizes ranging from two to six, including both guides and clients. Maximum group size would be six. Average guided trip length would be one week or less.

Camp stays in a single location are limited to 14 consecutive days. Extensions beyond 14 consecutive days would require approval from the appropriate authorized officer prior to the last day of the 14-day camp limit.

Due to the unpredictability of hunting activity, the exact location of overnight spike campsites cannot be pre-determined. Each permittee would be required to camp adjacent to existing roads (or along designated "open" roads within areas where the roads have been designated) in existing disturbed areas only and comply with all overnight camping stipulations (in attached stipulations). In Special Management Areas, i.e., Coyote Buttes and Paria Canyon, restrictions on overnight camping and group sizes apply. Refer to Vermilion Cliffs National Monument Resource Management Plan (RMP) for specific details. The applicable SRP fee (43 CFR 2930) would be charged.

B. Land Use Plan (LUP) Conformance

The proposed action is in conformance with the following LUPs:

Arizona Strip Field Office Resource Management Plan Date Approved: 2008

Grand Canyon-Parashant National Monument Resource Management Plan Date Approved: 2008

Vermilion Cliffs National Monument Resource Management Plan Date Approved: 2008

Arizona Strip Field Office Resource Management Plan Date Approved: 2008

MA-RR-12 - No person or persons shall occupy one area within the Arizona Strip Field Office for longer than 14 consecutive days in any 28-day period; however, extensions beyond the 14- day length of stay can be authorized for permitted uses on a case-by-case basis. Any site on public land within 30 air miles constitutes the same area for the purpose of this rule. Persons occupying a regular campsite within the Virgin River Canyon Recreation Area are exempt from this rule. To protect resources, for public safety, or for other administrative purposes, an authorized officer may, by posting notification, close a given site to occupancy.

MA-RR-13

- Camping may be limited in listed species and other sensitive habitats (see Special Status Species & Vegetation Management decisions).
- Camping may be restricted or limited to protect cultural and/or natural resources through campsite monitoring and LAC.
- Dispersed camping will be allowed, subject to Trail and Travel Management decisions.

MA-RR-24 - Special recreation permit (SRP) application packages (application, operating plan, maps, etc.) will be considered for authorization on a case-by-case basis upon receipt of application. (See 43 CFR 2930 for requirements)

MA-RR-27 - SRP application packages (application, operating plan, maps, etc.) will be considered for authorization on a case-by-case basis upon receipt of application. (See 43CFR

2930 for requirements).

MA-RR-28 - Commercial, competitive, organized group/event, and special area permits can be authorized when such uses accomplish or are compatible with management objectives and other plan provisions. Commercial services in designated wilderness shall meet guidelines for commercial activities within wilderness.

Grand Canyon-Parashant National Monument Resource Management Plan Date Approved: 2008

DFC-RR-01 - Recreation and visitor services will be managed to provide varying levels of structured recreation opportunities that offer a range of specific benefits, activities, and experiences within outdoor settings (Special Recreation Management Areas [SRMAs]; See Map 11).

DFC-RR-13 - The primary strategy for the Parashant SRMA/NPS SMA will be to target a demonstrated undeveloped recreation-tourism market demand from local community and regional/national visitors for trophy hunting opportunities, guided backcountry tours, hiking, viewing and appreciating wildland landscapes and cultural sites, canyoneering and motorized/mechanized/non-mechanized exploring. This demand is supported by the area's distinctive remote, rugged landscape; its proximity to the Grand Canyon; its vast size; and the largely open and undeveloped character of its recreation settings. Regional and local recreation-tourism visitors value this area for the distinctive kinds of dispersed recreation it produces (See RMP Appendix J for more information).

MA-RR-12 - No person or persons should occupy one area on BLM-administered lands within the Monument for longer than 14 consecutive days in any 28-day period; however, extensions beyond the 14-day length of stay can be authorized for permitted uses on a case-by-case basis. Any site on public land within 30 air miles constitutes the same area for the purpose of this rule. To protect resources, for public safety, or for other administrative purposes, an authorized officer may, by posting notification, close a given site to occupancy.

MA-RR-27

- Commercial, competitive, organized group/event, and special area permits can be authorized when such uses accomplish or are compatible with management objectives and other plan provisions. Commercial services in designated or proposed wilderness should meet guidelines for commercial activities within wilderness.
- Recreation activities requiring use authorization can be limited in listed species and other sensitive habitats (See Special Status Species and Vegetation Management decisions).

Vermilion Cliffs National Monument Resource Management Plan Date Approved: 2008

DFC-RR-01 - Recreation and visitor services will be managed to provide varying levels of structured recreation opportunities that offer a range of specific benefits, activities, and

experiences within outdoor settings (SRMAs; See Map 2.8).

MA-RR-12 - No person or persons shall occupy one area within the Monument for longer than 14 consecutive days in any 28-day period; however, extensions beyond the 14-day length of stay can be authorized for permitted uses on a case-by-case basis. Any site on public land within 30 air miles constitutes the same area for the purpose of this rule. To protect resources, for public safety, or for other administrative purposes, an authorized officer may, by posting notification, close a given site to occupancy.

MA-RR-27 - SRP application packages (application, operating plan, maps, etc.) will be considered for authorization on a case-by-case basis upon receipt of application (See 43 CFR 2930 for requirements).

In addition, the proposed action does not conflict with other decisions contained within these land use plans.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

EA No. AZ-931-93-001: Special Recreation Permits for Commercial Activities on Public Lands in Arizona, approved 1993.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: The existing EA (AZ-931-93-001) was written specifically for this type of activity. The EA analyzes a large number of guided outdoor activities including hunting, hiking and camping, which are the three main activities that would take place under the proposed action addressed in this DNA; these activities are mentioned specifically in page 1 of this EA as referenced below:

“This document generally covers the specific type of proposed action which involves 1) commercial recreation activities; 2) day-use or multi-day trips onto public lands; 3) base camps of 14 days or less; 4) spike camps, where relatively small groups (up to 6 people or 6 pack stock) would use a site for one or two nights and then move on; and 5) where general stipulations in this document are applied.”

This DNA (DOI-BLM-AZ-A000-2016-0003-DNA) clarifies the proposed action on one point. SRP holders using base camps under this current proposed action can request a base camp extension beyond the 14 day camp limit. Under the 2008 Arizona Strip Field Office, Grand

Canyon-Parashant National Monument, and Vermilion Cliffs National Monument RMPs, no person or persons can occupy one area for longer than 14 consecutive days in any 28-day period; however, extensions beyond the 14-day camp limit to 28 days can be authorized for permitted uses on a case-by-case basis. EA-AZ-931-93-001 states “It is recognized that in some circumstances, such as delays to weather, emergencies, or tracking a wounded animal, guides may be required to extend stays to base and spike camps.” These types of extensions and a 14 day camp extension are deemed “substantially the same”; they were already analyzed and found to not substantially increase impacts to the land over those analyzed under EA-AZ-931-93-001.

Filming is an additional proposal by outfitters that is not specifically addressed in the existing EA. However, the use of small, hand-held cameras/video equipment by the permitted SRP holders with no film crews or sets, in conjunction with the guided hunting trips, would not result in impacts substantially different from those analyzed in the existing EA for guiding activities only.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation: There are two alternatives analyzed in the existing EA—the proposed action and no action.

Under the proposed action analyzed in the existing EA, SRPs would be issued on a case-by-case basis. The analysis states that resource impacts would be minimal because the BLM would have the ability to approve, deny, or modify a proposed operation, as well as modify or add to the list of stipulations that commercial operators must comply with.

The alternative to the proposed action (No Action) was to deny hunting and guide permits. The EA states, the denial of permits “would likely increase” illegal guiding activity and may hinder the BLM’s ability to work with outfitters and monitor commercial activities. Unregulated activity could have greater resource impacts and create additional enforcement problems. (EA-AZ-931-93-001, p.8)

The range of alternatives analyzed in the existing EA is therefore still valid under the current conditions and circumstances.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation: One change has occurred since EA-AZ-931-93-01, the designation of Grand Canyon-Parashant and Vermilion Cliffs National Monuments within the Arizona Strip District in 2000. The designation of these monuments has not changed the validity of the EA. The proposed guiding activities are consistent with the monument proclamations and the Vermilion Cliffs National Monument and Grand Canyon-Parashant

National Monument RMPs. The management guidance in these documents does not preclude this proposal from being authorized or conflict with the analysis contained in the existing EA.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

These direct, indirect and cumulative effects are identical to those identified in the Environmental Impacts section (pages 5-8) of the existing EA. The nature of the proposed action is short-term and dispersed over a large area. The specificity of the existing analysis is adequate.

The existing EA did not analyze impacts on threatened and endangered species. For this proposal there are two listed wildlife species with the potential to be impacted by the proposed action. These species are the California condor and the Mojave desert tortoise. However, with the addition of the stipulations at the end of this document, the proposed action would not modify listed species habitat and would result in no more potential for disturbance than was already analyzed in the existing EA.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

The existing EA was widely distributed with 550 copies sent to agencies, organizations, and individuals. That public involvement and interagency review was, and continues to be, adequate for the current proposed action.

E. Persons/Agencies /BLM Staff Consulted

Name, Title Resource

Gloria Benson, Tribal Liaison, Arizona Strip District Office
Jeff Young, Wildlife/T&E Wildlife, Grand Canyon-Parashant National Monument
Lorraine Christian, Arizona Strip Field Office Manager
Amanda Harrington, Lands and Geological Sciences Arizona Strip Field Office
John Herron, Cultural Resources, Arizona Strip Field Office
Jon Jasper, Acting Lead, Recreation, Visual Resource Management, and Wilderness Arizona Strip Field Office
Jace Lambeth, Special Status Plants, Arizona Strip Field Office
Richard Spotts, Environmental Coordinator, Arizona Strip District Office
John Sims, Supervisory Law Enforcement, Arizona Strip District Office
Mark Wimmer, Monument Manager, Grand Canyon-Parashant National Monument
Kevin Schoppmann, Acting Lead, Range, Vegetation, Weeds, S&G, Arizona Strip Field Office

Luke Thompson, Field Supervisor, Arizona Game and Fish Department
Daniel Bullets, acting Environmental Program Director, Kaibab Paiute Tribe
Dawn Hubbs, Cultural Staff, Hualapai Tribe

Conclusion

Based on the review documented above, we conclude that this proposal conforms to the applicable land use plans and that the NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirements of the NEPA.

Brander E. Basell

9/13/2016

Date

Acting
for

Lorraine M. Christian
Arizona Strip Field Office Manager

Mark Wimmer

13 Sept. 2016

Date

Mark Wimmer
Grand Canyon-Parashant National Monument Manager

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the decision document to approve any lease, permit, or other authorization based on this DNA is subject to protest or appeals under 43 CFR Part 4 and program-specific regulations

Applicants: High Point Outfitters, Mogollon Rim Outfitters, and Shadow Valley Outfitters

Arizona Strip District Office

SPECIAL RECREATION PERMIT STIPULATIONS

In order to protect and preserve the natural and cultural resource values on the Arizona Strip and provide for public safety, the attached terms and conditions/stipulations are incorporated as part of the special recreation permit (SRP). These stipulations are specific to the Arizona Strip District and are in addition to those found within Form 2930-1 (SRP Application Permit) and BLM H-2930-1 (Recreation Permit Administration). These stipulations are incorporated as part of the SRP and apply to the permittee and all employees working for him/her. Failure to comply can result in permit revocation.

GENERAL Terms (FORMS 2930-1 AND 2930-2)

- 1) The permittee shall comply with all Federal, State, and local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP). The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
- 2) An SRP authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The authorized officer(s) may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or because of non-compliance with permit stipulations. Actions by the BLM to suspend or terminate an SRP are appealable.
- 3) No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM.
- 4) Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the Federal land by other users. The United States reserves the right to use any part of the area for any purpose.
- 5) The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officers in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for

any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.

- 6) All advertising and representations made to the public and the authorized officers must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special Federal user's tax. The permittee must furnish the authorized officers with any current brochure and price list if requested by the authorized officers.
- 7) The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous flora/fauna, abandoned mines, or other hazards that present risks for which the permittee assumes responsibility.
- 8) In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.
- 9) The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
- 10) The permittee must present or display a copy of the SRP to the authorized officers' representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.
- 11) The authorized officers, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three years after expiration of the permit.
- 12) The permittee must submit a post-use report to the authorized officers for every year the permit is in effect. If the post-use report is not received by the established deadline, the permit will be suspended and/or late fees assessed.
- 13) The permittee shall notify the authorized officers of any incident that occurs while involved in activities authorized by this permit, which result in death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports must be submitted within 24 hours. Contact BLM Ranger, John Sims at (435) 644-1211 or NPS Chief Ranger, Chad Corey at (435) 688-3280.

SRP MANAGEMENT

- 1) Permits issued for more than one year are subject to annual authorization. To secure authorization, the permit holder (and all persons operating under the permit, must:
 - a) Perform satisfactorily under the terms and conditions of this permit.
 - b) Be in conformance with applicable federal, state, and local laws, ordinances, regulations, orders, postings, written requirements applicable to the area, and operations covered by the permit.
 - c) Ensure that all persons operating under the permit have obtained all required federal, state, and local licenses or registrations.
 - d) Have on file, with the office issuing the permit, current insurance identifying the U.S. Department of the Interior, Bureau of Land Management, as additional insured (see Insurance section below).
 - e) Have no outstanding, past due, or unpaid billing notices.
 - f) Turn in current post-use report showing gross income earned, pay 3% of gross from post- use report, and pay the minimum fee for commercial special recreation permits (see Financial section below).
- 2) The permittee must maintain, on file with the BLM, a current and correct list of employees who will be conducting services for the company on public lands. Persons providing services under this permit must be employees of the permittee.
- 3) The permittee must allow BLM representatives to complete permit checks to determine the validity of the permit, to ascertain the group has a copy of the permit and all required equipment, and to orient trip participants about the use of public lands and related waters and safety.

Financial

- 1) The permittee must submit a post-use report by January 31. The report must contain a trip-by-trip log of trip location with beginning and ending dates, number of clients and guides, and gross receipts for the trip. In reporting gross receipts, the permittee will report all payments made by the customer, with the only exception being retail sales of durable goods that remain the property of the customer and have an expected service life extending beyond the guided activity.
- 2) Request for deductions based on pre/post trip transportation and lodging expenses and percentage of time on public land, if being claimed, must also be submitted with post-use. Requests for transportation and lodging deductions must be accompanied by copies of supporting receipts documenting proof of payment.

- 3) The permittee must maintain the following internal accounting records pertaining to the permit:
 - a) W-2 records or a similar record of employment for all employees conducting trips under the permit.
 - b) A record of all financial relationships with booking agents or advertisers.
 - c) A record of all receipts or compensation including payments, gratuities, donations, gifts, bartering, etc., received from any source on trips conducted under the permit.
 - d) A record of all payments made by the permittee and claimed as a deduction in the permittee's fee submission.
- 4) The BLM retains the right to verify permit compliance from the books, correspondence, memorandums, and other records of the permittee, and from the records pertaining thereto of a proprietary or affiliated company during the period of the permit and for 3 years thereafter regardless of physical location.

Insurance

- 1) At a minimum, the permittee must have in force public liability insurance in the appropriate amount as shown on the permit.
- 2) The policy must state that the insurance company shall have no right of subrogation against the United States of America.
- 3) Such insurance must name the U.S. Department of the Interior, Bureau of Land Management, as additional insured and provide for specific coverage of the permittee's contractually assumed obligation to indemnify the United States against any claims.
- 4) The policy must stipulate that the authorized officers of the Bureau of Land Management shall be notified 30 calendar days in advance of the termination or modification of the policy.
- 5) The permit is not valid unless the permittee maintains a current authenticated certificate of the required insurance on file with the office issuing the permit.
- 6) The permittee must indemnify and hold harmless the United States against any responsibility or liability for damage, death, injury, or loss to persons and property that may occur during the permitted use period or as a result of such use.
- 7) The permittee must furnish a copy of the insurance policy directly to the authorized officers.

- 8) The name of the insured on the insurance policy must be the same as the name on the permit. Those permittees holding insurance policies that insure only the permittee and not the permittee's employees must ensure that their employees also have the required insurance in effect and that a certificate of insurance is furnished to the authorized officers.
- 9) For multiyear permits, the insurance policy must be provided the first year, but on each subsequent year the authorized officers may accept a valid certificate of insurance.

Pre-trip Itinerary (Hunter / Guides)

- 1) Before each trip the permittee will file a notice of intent in writing with the BLM. The notice of intent must specify the intended dates of the trip, number of clients, number of guides, name of the lead guide and the area(s) to be visited, including the location of camps. Alternative reporting arrangements may be specified in writing by the authorized officers.

Environmental and Resource Protection

All trips must follow Leave No Trace principles.

LANDS AND REALTY

- 1) The permittee may be required to furnish written permission from private property landowners whose property, land, or water is affected by the use associated with the permit. The SRP does not give permission to cross over or use any private lands. The permittee is fully responsible for all trespass on and/or damage to private land which results from the conduct of their activities.
- 2) Any filming/photography of permitted activities that takes place with the express intent to sell the product back to the guided client(s) as souvenirs or training videos, etc. would be subject to a vending permit being included as part of the Special Recreation Permit. A separate Land Use Permit would be required for other commercial filming on public lands, defined in IM No. 2004-73 as, "The use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasts for news programs. For purposes of this definition, creation of a product for sale includes a film, videotape, television broadcast, or documentary of participants in commercial sporting or recreation event created for the purpose of generating income." Vending and commercial filming is not permitted in any designated wilderness area.
- 3) Filming is limited to the use of handheld and tripod mounted cameras. Construction or removal of vegetation for the creation of a camera platform or to clear a shot is not allowed. Filming is generally done using only ambient light sources. No more than two,

battery-powered, auxiliary lighting sources may be used. In addition, if the permittee plans to film at times and locations that are not part of the activity authorized by the SRP, a separate film permit is required.

CULTURAL RESOURCES

- 4) Employees and clients will be instructed that it is unlawful to disturb, deface, excavate or remove any archaeological or paleontological objects or structures. Look but don't touch! Rock art may be photographed but not touched. Collection of prehistoric or historic artifacts is prohibited on Federal Lands and is prosecutable under the Archaeological Resources Protection Act and other laws, both federal and state. Disturbance, defacement, or excavation of prehistoric and historic sites is also prohibited (see ARPA for additional prohibited acts).
- 5) Intentional removal or excavation of Native American human remains, funerary objects, sacred objects or objects of cultural patrimony is a violation of the Native American Graves Protection and Repatriation Act

TRAVEL MANAGEMENT

- 6) Permittee shall limit vehicle traffic to the designated routes. No motorized cross-country travel is permitted.
- 7) All motor vehicle use will comply with applicable off-highway vehicle regulations.
- 8) The permittee will practice proper precautions to prevent the spread of noxious weeds/invasive species. Therefore, all machinery (street legal motorized vehicles, non-street legal all-terrain vehicles, trailers, etc.) that has been used outside the proposed use area must be cleaned prior to use and be free of accumulated plant parts (including the undercarriage) in order to prevent the possible introduction and spread of noxious weeds/invasive species.
- 9) Permittee is responsible for the proper cleanup of all vehicle fluid (including, but not limited to, fuel, motor oil, hydraulic fluid, gear oil, and coolants), vehicle parts, etc., prior to submission of the Post-Use Report and prior to the release of any required posted bond.
- 10) Ingress and egress access to Vermilion Cliffs National Monument and the Kanab Field Office is permitted through Grand Staircase-Escalante National Monument (GSENM) roads and trails, but no other tour or trip elements would be conducted on the GSENM.
- 11) No overnight camping of SRP groups at GSENM trailheads i.e., Wirepass trailhead and Buckskin trailhead. Camping may only be accommodated at established campsites i.e., Whitehouse campground/trailhead. All campground fees must be paid over and above SRP fees.

RANGELAND MANAGEMENT

- 12) SRP holders must adhere to 43 CFR 4140.1 which prohibits: installing, using, maintaining, modifying, and/or removing range improvements without authorization; cutting, burning, spraying, destroying, or removing vegetation without authorization; damaging or removing U.S. property without authorization; littering; failing to reclose any gate or other entry during periods of livestock use; and interfering with lawful uses or users including obstructing free transit through or over the public lands by force, threat, intimidation, signs, barriers, or locked gates.
- 13) Harassment of livestock or destruction of private and public improvements such as water catchments, pipelines, fences and gates is prohibited. Gates will be left open or closed, as they are found.

WILDLIFE

General Requirements

Harassment of wildlife, destruction of or tampering with private and public improvements such as wildlife catchments is prohibited.

California condor

- 14) The permittee will notify the BLM Arizona Strip wildlife team lead (435-688-3373) within 5 days of the completion of the trip if California condors visit the participants while permitted activities are underway. Permittee and participants will be instructed to avoid interaction with condors. Subsequent activities will be modified if those activities are determined to have adverse effects on condors.
- 15) California condors are highly susceptible to the effects of micro-trash. Micro-trash includes small and easily ingestible materials such as bottle caps, broken glass, cigarette butts, small plastic bits, bullets, and bullet casings, even food materials. Any sites used will be cleaned up at the end of each day of use (e.g., trash removed, scrap materials picked up) to minimize the likelihood of condors visiting the site. BLM staff may conduct site visits to the area to ensure adequate clean-up measures are taken.

Desert Tortoise

- 16) Desert tortoise / Mojave desert restrictions:
 - a) During the Mojave desert tortoise active season (March 15 through October 15), the permittee must observe a 20 mph speed limit on BLM roads within Mojave desert tortoise critical habitat and 40 mph in desert tortoise habitat outside of critical habitat. (See attached map for the location of these areas.)
 - b) Uncontrolled (unleashed) domestic dogs will be prohibited in areas within the

range of the Mojave desert tortoise. Use of firearms, except by law enforcement officers or licensed hunters during lawful hunting activities, will also be prohibited.

- c) When parked in areas within the range of the Mojave desert tortoise during the tortoise active season (March 15 – October 15) please check underneath vehicles for tortoises before resuming travel.

OVERNIGHT CAMPING

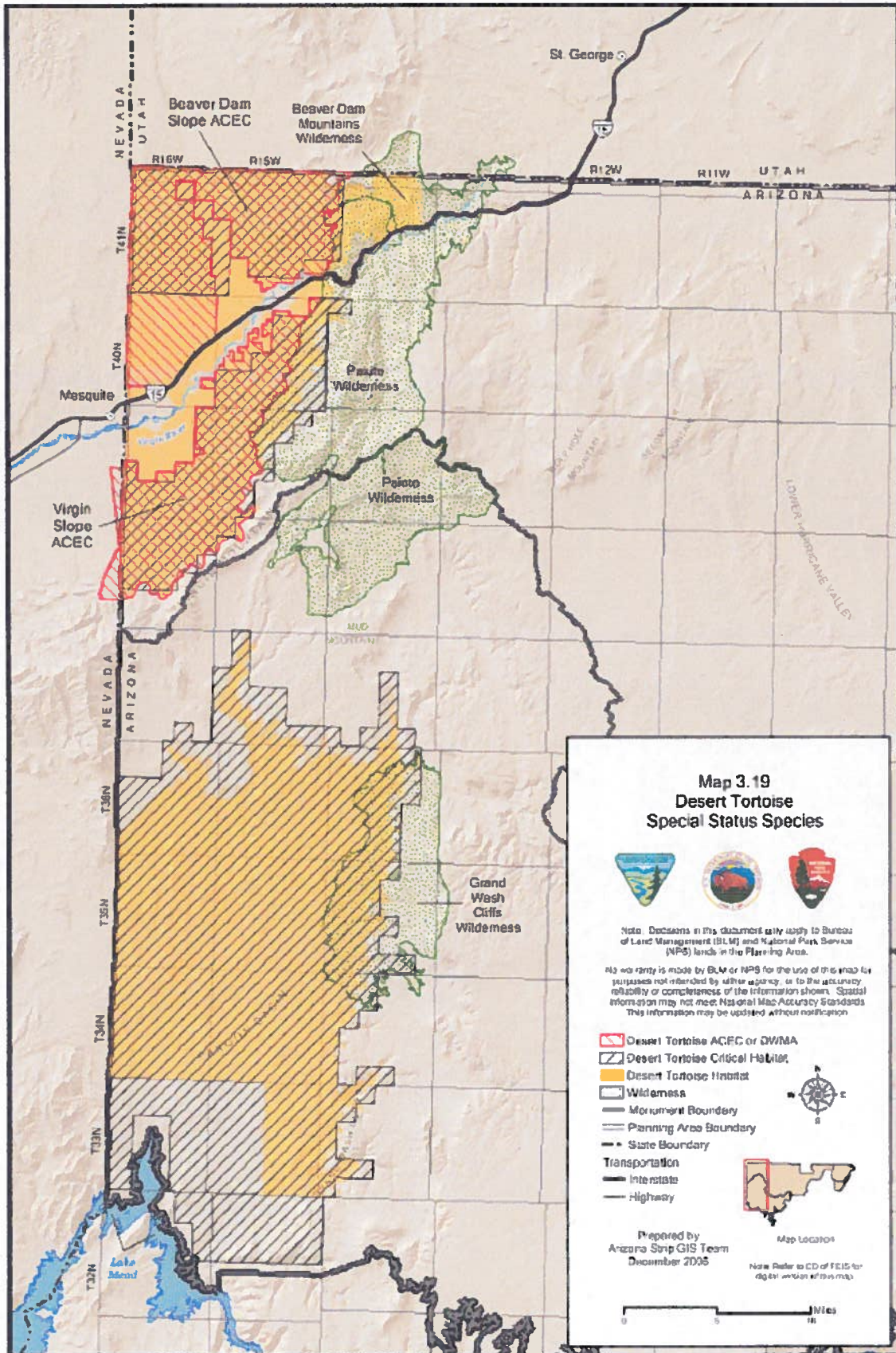
- 17) Camping is prohibited within ½ mile of active condor nests (2/1 to 11/30), golden eagle nests (2/1 to 11/30), peregrine nests (3/01 to 8/1), Mexican spotted owl nests (3/01 to 8/31), and golden or bald eagle winter roosts (10/15 to 4/15). See avoidance area map.
- 18) Camping is prohibited in areas of known special status plants (see avoidance area map).
- 19) All camps will be prohibited within one-quarter mile of a natural water hole or man-made watering facility containing water, to allow wildlife or domestic stock access to water.
- 20) All camps will be located at least 200 feet from any known archaeological sites, including prehistoric camps, rock shelters, caves, and historic buildings. For all trips and at all base camps with locations serviced by a motorized vehicle, the permittee must have a toilet system that allows for the proper carry-out and disposal of solid human body waste that is adequate for the size of the group and length of the trip. In locations remote from a permittee's vehicle, solid human waste must be buried in a sunny location in bare soil or carried out. Toilet paper must be carried out and not buried or burned.
- 21) Camp locations and other use areas shall be maintained in a sanitary condition at all times; waste material at those areas shall be removed and disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash and refuse. Burying garbage is prohibited.
- 22) At a vehicle based camp, the permittee must camp along designated "open" roads, in existing disturbed areas only.
- 23) The permittee must use existing campfire circles when they exist, rather than construct new ones. If no existing fire circles, sites should be selected that can be "naturalized" at departure.
- 24) Camp fires will have a vegetation free barrier of five feet or more away from trees, shrubs and other vegetation. Fires shall not be built next to rocks or encircled with stones/rocks, in order to avoid fire scars.
- 25) The permittee may use only dead and down wood for campfires (unless otherwise directed). Cutting or removing any live vegetation or standing dead vegetation is

prohibited.

- 26) The permittee must take all reasonable precautions to prevent wild land fires. Fires must be out and cold when camp is unattended.

PARIA CANYON-VERMILION CLIFFS WILDERNESS

- 27) A human waste bag will be provided for each customer at overnight camps in Paria Canyon. All bags must be packed out of the wilderness area and properly disposed of in a trash receptacle.
- 28) Campfires are prohibited.
- 29) All camp, latrine, and pack stock restraint areas will be at least 200 feet from springs.



Map 3.19 Desert Tortoise - Special Status Species

DECISION MEMORANDUM

**High Point Outfitters, Mogollon Rim Outfitters, and Shadow Valley Outfitters Special
Recreation Permits.**

DOI-BLM-AZ-A000-2016-0003-DNA

U.S. Department of the Interior
Bureau of Land Management
Vermilion Cliffs National Monument
Grand Canyon-Parashant National Monument
Arizona Strip Field Office

Approval and Decision

Based on a review of the project described in the attached Determination of NEPA Adequacy (DNA) documentation and Field Office and Monument staff recommendations, we have determined that the project is in conformance with the Arizona Strip Field Office Resource Management Plan, Grand Canyon-Parashant National Monument Resource Management Plan, and the Vermilion Cliffs National Monument Resource Management Plan (approved 2008). The DNA is based on EA-AZ-931-93-001. This EA specifically addresses outfitting and guiding services. It is our decision to approve the action as proposed with additional stipulations.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed at the Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

In accordance with 43 CFR 2931.8 (b) this decision remains in effect pending appeal unless a stay is granted. If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Acting
for

Brandon E. Boszell

Lorraine M. Christian
Field Manager, Arizona Strip Field Office

9/13/2016
Date

Mark Wimmer

Mark Wimmer
Grand Canyon-Parashant National Monument
Manager

13 September 2016
Date

Attachment: Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

- 1. NOTICE OF APPEAL.....** A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
- 2. WHERE TO FILE** Field Manager, Arizona Strip Field Office
Bureau of Land Management
345 East Riverside Drive
St. George, Utah 84790
- NOTICE OF APPEAL.....**
- WITH COPY TO SOLICITOR...** Office of the Field Solicitor
Sandra Day O'Connor US Courthouse, Suite 404
401 West Washington Street, SPC-44
Phoenix, Arizona 85003-2151
- 3. STATEMENT OF REASONS** Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).
- WITH COPY TO SOLICITOR.....** Office of the Field Solicitor
Sandra Day O'Connor US Courthouse, Suite 404
401 West Washington Street, SPC-44
Phoenix, Arizona 85003-2151
- AND COPY TO.....** Field Manager, Arizona Strip Field Office
Bureau of Land Management
345 East Riverside Drive
St. George, Utah 84790
- 4. ADVERSE PARTIES.....** Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
- 5. PROOF OF SERVICE.....** Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
- 6. REQUEST FOR STAY.....** Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.
- Standards for Obtaining a Stay.** Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821—GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)